

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 17176 of 2007(T)

PETITIONER:

J.S.BIJU, PRINTER GR.I,
KERALA UNIVERSITY PRESS, THIRUVANANTHAPURAM.

BY ADV. SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR)
SRI.LUIZ GODWIN D'COUTH

RESPONDENTS:

1. UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
UNIVERSITY P.O. PALAYAM, THIRUVANANTHAPURAM.

2. THE REGISTRAR,
UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM.

3. P.S.RAJAN,
OFFSET PRINTER,
UNIVERSITY PRESS, THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJAGOPALAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P(C) No. 17176 of 2007

Dated this the 7th day of June, 2007.

J U D G M E N T

Petitioner who is working as Printer, Grade I in the Press under the University of Kerala has a grievance that he is being denied promotion to the next higher cadre. He has a further grievance that respondent No.3 herein is likely to be promoted, particularly in view of the order obtained by him in Ext.P8 judgment. It is true that in Ext.P8 this Court had directed the University to consider the representation submitted by respondent No.3 and to take an appropriate decision thereon. In that writ petition respondent No.3 herein had contended that he being the seniormost qualified person, he was entitled to be promoted as Junior Foreman.

2. When this writ petition came up for consideration on June 5, 2007, learned Standing Counsel was requested to find out whether any decision has been taken by the University pursuant to Ext.P8. Learned Standing Counsel submits that no decision has yet been taken in the matter. In that view of the matter I am satisfied that the request made by the petitioner in this writ petition to consider his claim as well along with that of respondent No.3 can be directed to be considered. Learned counsel submits that petitioner has highlighted all the relevant aspects in Ext.P9 representation submitted by him. In the above facts and circumstances I do not deem it necessary to issue notice to the respondents at this stage. In my view, the interests of respondent No.3 and all others, if any, who are likely to be affected, can be safeguarded.

In the above facts and circumstances the writ petition is disposed of with a direction to respondents 1 and 2 to consider and pass orders on Ext.P9 representation submitted by the petitioner along with that of respondent No.3 as directed in Ext.P8 judgment. It will be open to respondents 1 and 2 to take an appropriate decision in the matter strictly on its merit and accordance with law. It shall be ensured by the University that the petitioner, respondent No.3 and all others who are likely to be affected by any order that may be passed, are afforded sufficient opportunity to be heard before any decision is taken in the matter.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before the respondents for compliance. Similarly, petitioner shall also send copy of the above documents to respondent No.3 by registered post within 7 days from today for information.

A.K. Basheer
Judge.

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